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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,750	02/14/2000	FRANK PUTTKAMMER	HENN0013UPCT-US	2165
31518	7590	07/23/2008		
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304				
EXAMINER				
WALSH, DANIEL I				
ART UNIT		PAPER NUMBER		
2887				
NOTIFICATION DATE		DELIVERY MODE		
07/23/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

general@neifeld.com

neifeld@neifeld.com

rhahl@neifeld.com

### Office Action Summary

**Application No.**

09/485,750

**Applicant(s)**

PUTTKAMMER, FRANK

**Examiner**

DANIEL WALSH

**Art Unit**

2887

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

Receipt is acknowledged of the Election received on 1-12-07 where claims 1-7 were elected with traverse.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "said different electrically conductive structures" in line 2.

There is insufficient antecedent basis for this limitation in the claim. It is unclear if this refers to the non-metallized (non-conductive) and the metallized/conductive structures, or just the metallized or non-metallized structures. For purposes of Examination the Examiner will interpret it as meaning the metallized and non-metallized (conductive and non-conductive) structures.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the Examiner what the width of two electrodes of an examination apparatus is (what is the measurement value) and what the examination apparatus is. For purposes of examination the Examiner will interpret this to include electrodes that are on the order of micrometers or less, as is conventional in the art for some examination apparatus.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (US 5,876,068).

Re claim 1, Schneider et al. teaches a structure of optically effective diffraction security elements with a metallic reflection layer, comprising a target oriented electric code of data with steep edges towards adjacent non-metallized structures in different planes (FIG. 7 and FIG. 2). Though silent to the line thickness being between 0 and 5mm, Schneider et al. teaches that line widths of security threads are typically .4 to 2mm. Therefore, it would have been obvious to one of ordinary skill in the art to use such a claim line width for expected results of small and usable security threads, being difficult to forge, for example. The Examiner notes that the method of forming the device itself is not germane to the issue of patentability of the device, therefore the limitations of how the target oriented code is formed has not been given patentable weight in the apparatus claim.

Re claim 2, the limitations have been discussed above, where the Examiner interprets a metallized structure as conductive, as is conventional in the art.

Re claim 3, the Examiner notes that it is obvious to one of ordinary skill in the art that conductive and non-conductive (metallized and non-metallized) structures have different conductivities.

Re claim 4, different structures have different thicknesses, see FIG. 2+.

Re claim 5, the Examiner notes that the claim recites that the width of a conductive layer corresponds to a width of at least two electrodes of an examination apparatus. As electrodes generally are known to be on the scale of micrometers and less, it is obvious that the width of the conductive layers is at least two electrodes wide.

Re claim 6, the Examiner has interpreted based on FIG. 7 that depending on the points of references chose, that the distance between conductive structures can be at least .1mm.

Re claim 7, Schneider et al. Teaches electrically conductive structures are inks or dyes by the coloring/opaque coatings (FIG. 5).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/  
Primary Examiner, Art Unit 2887